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60469-037  
OT-4812

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: O'Donnell, et al.  
Serial No.: 09/921,803  
Filed: 08/03/2001  
Group Art Unit: 3654  
Examiner: Kruer, Stefan  
For: ELEVATOR BELT ASSEMBLY WITH WAXLESS COATING

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Office Action mailed on July 17, 2006. Applicant respectfully requests reconsideration of this application.

In the most recent Office Action, the Examiner asserts that the *Wilcox* reference teaches "coating the load carrying members with a single urethane coating (column 2, line 44) that does not contain wax (column 3, lines 1 and 60)." Applicant respectfully disagrees. The *Wilcox* reference teaches that the jacket 32 is made of HYTREL, which is a polyester elastomer. There is nothing to indicate that the HYTREL material is made different than other polyester elastomers, which typically include some form of wax. Moreover, column 3, line 1, says that a "fatty acid amide was used as a lubricant during manufacture so that this lubricant was present in the finished rope." Column 3, line 60 through column 4, line 4, teach additional lubricants used in the manufacture and "beneficial in the finished product" including waxes of various sorts. These portions of

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the *Wilcox* description state explicitly that wax is included in the jacket 32. The fatty acid amide used in the *Wilcox* arrangement is a wax. Applicant has attached a printout of an article located on the internet as Exhibit A, which lists fatty acid amide as a synthetic wax in Table 1 near the bottom of the first page of Exhibit A.

Because the *Wilcox* reference clearly discloses a wax contained within the jacket 32, it does not teach what the Examiner contends. Therefore, there is no *prima facie* case of anticipation and the rejection under 35 U.S.C. §102 must be withdrawn.

The rejection under 35 U.S.C. §103 relies upon the same erroneous interpretation of the *Wilcox* reference. There is no *prima facie* case of obviousness because the reference does not teach what the Examiner contends. That rejection should be withdrawn, also.

This case is in condition for allowance.

Respectfully submitted,

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Dated: October 17, 2006

**CERTIFICATE OF FACSIMILE**

I hereby certify that this Request for Reconsideration, relative to Application Serial No. 09/921,803, is being facsimile transmitted to the Patent and Trademark Office (Fax No. 1-571-273-8300) on October 17, 2006.

  
Theresa M. Palmateer

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